

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

CITY OF RED OAK,)	
Plaintiff,)	
)	
v.)	No. 3:15-CV-2744-K
)	
HARVEY LEELANE SEARCY,)	
Defendant.)	

**FINDINGS, CONCLUSIONS AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

This case has been referred to the United States Magistrate Judge pursuant to 28 U.S.C. § 636(b) and a standing order of reference from the district court. The Findings, Conclusions and Recommendation of the Magistrate Judge follow:

I.

On August 14, 2015, Plaintiff removed this action to federal court. On that same date, he also filed a removal action styled *State of Texas v. Harvey Leelane Searcy*, 3:15-CV-2668-O (N.D. Tex.). In both case he seeks to remove his state criminal case from the Ellis County Court of Law No. 2, cause number 1311712-CR. Plaintiff's previously filed case in cause number 3:15-CV-2668-O is currently pending. The Court therefore recommends that this case be dismissed as duplicative.

**Findings, Conclusions and Recommendation
of the United States Magistrate Judge**

II.

For the foregoing reasons, the Court recommends that this case be dismissed as duplicative.

Signed this 9th day of September, 2015.



PAUL D. STICKNEY
UNITED STATES MAGISTRATE JUDGE

**INSTRUCTIONS FOR SERVICE AND
NOTICE OF RIGHT TO OBJECT**

A copy of this report and recommendation shall be served on all parties in the manner provided by law. Any party who objects to any part of this report and recommendation must file specific written objections within 14 days after being served with a copy. *See* 28 U.S.C. § 636(b)(1); FED. R. CIV. P. 72(b). In order to be specific, an objection must identify the specific finding or recommendation to which objection is made, state the basis for the objection, and specify the place in the magistrate judge's report and recommendation where the disputed determination is found. An objection that merely incorporates by reference or refers to the briefing before the magistrate judge is not specific. Failure to file specific written objections will bar the aggrieved party from appealing the factual findings and legal conclusions of the magistrate judge that are accepted or adopted by the district court, except upon grounds of plain error. *See Douglass v. United Services Automobile Ass'n*, 79 F.3d 1415, 1417 (5th Cir. 1996).